

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY
W.P.No.14650 of 2007

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Date:13.07.2007

Between:

Sri P.Murali Maheswara Raju and others.

.. PETITIONERS

AND

The Sub-Registrar.

..RESPONDENT

ORDER:

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The petitioners claim to have presented Sale Agreements-cum-General Powers of Attorney executed in their favour in relation to the land admeasuring Acs.3.00 in R.S.No.13 of Madhavadhara Village, Visakhapatnam District, before the respondent for registration. It is alleged that the documents are said to have been received vide acknowledgement P.Nos.677, 676, 673, 669, 672, 671, 678, 670, 674 and 675 of 2003 and kept pending. The grievance of the petitioners is that the documents have not been released, so far.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

The respondent has received the documents presented by the petitioners, and in fact, had kept the same pending. Such a course should be adopted, only to avail time to verify necessary facts or to gather information. The documents cannot be kept pending for years together. In case, the documents cannot be admitted to registration, for any reasons, that can be traceable to Section 22-A of the Registration Act, as amended through Act 19 of 2007, or Section 5 of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977, the same need to be communicated to the petitioners forthwith, so that they can work out

their remedies.

For the foregoing reasons, the Writ Petition is disposed of, directing the respondent to release the documents to the petitioners or communicate the reasons for not registering the documents, within a period of ten (10) days from the date of receipt of a copy of this order. There shall be no order as to costs.

13.07.2007

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The petitioners claim to be the owners of land admeasuring Ac.26.14 guntas, in survey Nos.7, 8, 9, 10 and 10/1 of Habshiguda Village, Hyderabad East Taluka, Hyderabad District. They claim to have approached the second respondent for presentation of a deed of transfer in respect of the said land and complain that the second respondent is refusing to receive the same, without furnishing any specific reasons.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The Indian Stamp Act and the Registration Act prescribe the procedure to be followed by the registering authorities, whenever a document is presented for registration. Section 22-A of the Registration Act, which empowered the Government to issue notification, prohibiting registration of any document in relation to any land mentioned in such notification, was held to be unconstitutional. However, altogether a new provision with the same number 22-A has been introduced by the Andhra Pradesh State Legislature through Act 19 of 2007. It came into force with effect from 08.06.2007. It enlists the circumstances under which the registering authority can refuse to admit the document to

registration.

The question as to whether the document, that may be presented by the petitioner, attracted by the newly introduced Section 22-A or any other provision, needs to be examined by the second respondent. The occasion to examine the document would arise, if only, it is received. The second respondent cannot refuse to receive the document.

Hence, the writ petition is disposed of, directing that:

- (a) the second respondent shall receive the document that may be presented by the petitioner and examine the same with reference to the relevant provisions of law including Section 22-A of the Registration Act, introduced through Act 19 of 2007; and
- (b) in case the document is otherwise admissible to registration, he shall register it within ten (10) days from the date of its presentation, duly ensuring that it is otherwise in order and if there exist any reasons for not registering the document, he shall communicate the same in writing to the petitioner within that time.

There shall be no order as to costs.

16.07.2007

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